

**REMARKS**

Claims 29-58 are all the claims pending in the application; Claims 43-58 have been withdrawn. Claims 29 and 35 have been amended to further define the claimed invention to recite, “the deployer is movable to reveal the medical device.” Support for the amendment can be found in the specification at, for example, page 4, lines 4-14. Accordingly, no new matter has been added.

**Response to Claim Rejections Under 35 U.S.C. § 102**

Claims 29-30 and 32-33 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,395,017 to Dwyer et al. (“Dwyer”). Applicants respectfully traverse the rejection for the following reasons.

As currently amended, Claim 29 is directed to a medical catheter for the transvascular deployment of a medical device. The medical catheter comprises an elongate catheter tubular body having a proximal end and a distal end. A tubular medical device embracing pod is located at the distal end of the catheter tubular body for reception of the medical device, the pod being integrally formed with the catheter tubular body and including a thin-walled distal portion of the catheter tubular body of reduced wall thickness relative to a proximal portion of the catheter tubular body, and the pod having a greater flexibility than the proximal portion of the catheter tubular body. The medical catheter further comprises a deployer movable through the pod to move the medical device between a stored position within the pod and an in-use position externally of the pod; and the deployer is movable to reveal the medical device.

As currently amended, Claim 35 is directed to a delivery system for transvascular deployment of a medical device, the system comprising a catheter. The catheter comprises an

elongate catheter tubular body having a proximal end and a distal end. A tubular medical device embracing pod is located at the distal end of the catheter tubular body for reception of the medical device, the pod being integrally formed with the catheter tubular body and including a thin-walled distal portion of the catheter tubular body of reduced wall thickness relative to a proximal portion of the catheter tubular body, and the pod having a greater flexibility than the proximal portion of the catheter tubular body. The delivery system comprises a deployer movable through the pod to move the medical device between a stored position within the pod and an in-use position externally of the pod, where the deployer is movable to reveal the medical device; and an associated separate loading device which is operable to collapse the medical device from an expanded in-use position to a collapsed position for reception within the pod.

Dwyer discloses a device for delivering, positioning and releasing, within a body lumen, a self-expandable implant (*see* Abstract; Claim 1). The delivery device comprises a control handle that is associated with a sheath, where the sheath can be advanced and withdrawn relative to the positioning tube, causing compression and recapture of a portion of the implant (*see* FIG. 10B; col. 7, ll. 35-38, 46-49).

Referring to FIG. 5 and the accompanying description at column 6 of Dwyer, lines 50 et seq., the stationary stay 28 maintains engagement with the trailing end of the anchor 12, thereby preventing rearward movement of the implant assembly while the sheath is withdrawn. As the sheath is progressively withdrawn and the trailing anchor 12 emerges from the distal end of the pod 23, the anchor expands into engagement with the inner luminal surface of the blood vessel while simultaneously expanding the distal end of the graft.

As indicated above, the present claimed invention as defined by currently amended independent Claims 29 and 35, comprises *a deployer which is movable through the pod to move*

*the medical device, and the deployer is movable to reveal the medical device.*

Dwyer does not teach or suggest this feature of the deployer being movable to reveal the medical device. Rather, in Dwyer, the sheath (pod) is moved relative to the positioning tube to reveal the medical device using a stationary stay 28. This is different from the delivery device of the present invention, where a deployer, not the sheath, is movable to reveal the medical device.

In light of the above, Dwyer fails to teach Claims 29 and 35 of the present invention, and as such, fails to anticipate Claims 29 and 35. Claims 30-34 and 36-42 depend from Claims 29 and 35, respectively. Claims 30-34 and 36-42 are patentable over Dwyer for at least the same reasons Claims 29 and 35 are patentable over Dwyer. In light of the above, withdrawal of the rejections of Claims 29-42 under 35 U.S.C. § 102(e) over Dwyer are respectfully requested.

**Response to Claim Rejections Under 35 U.S.C. § 103**

Claims 31, 34, 39-40 and 41-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dwyer. Applicants traverse for the following reasons.

As discussed above, Dwyer fails to teach or suggest a delivery device where a deployer is movable through the pod to move the medical device, where the deployer is movable to reveal the medical device, as recited in Claims 29-42 of the presently claimed invention. Rather, the delivery device of Dwyer operates differently, where the sheath is movable relative to the positioning tube. There is no disclosure in Dwyer that would teach or suggest to a person having ordinary skill in the art to make a medical catheter or a delivery system that comprises a deployer movable through the pod that is capable of moving the medical device, as recited in Claims 29-42 of the present application.

In light of the above, Dwyer fails to render Claims 29-42 prima facie obvious.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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